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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IRA NESBITT,

Petitioner,

vs.

A. FAKHOURY, Warden,

Respondent.

Case No. SACV 10-705-PSG (RNB)

ORDER ADOPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed herein. The Court concurs with and adopts the findings, conclusions and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that (1) respondent's Motion to Dismiss is granted; and (2) Judgment be entered denying the Petition and dismissing this action without prejudice.

DATED: 11/2/10

PHILIP S. GUTIERREZ
UNITED STATES DISTRICT JUDGE